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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,586	05/24/2002	Hans Lander	10191/2175	6461
26646 7590 08/12/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
HWU, DAVIS D				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
08/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/030,586

**Applicant(s)**

LANDER ET AL.

**Examiner**

Davis D. Hwu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16 and 19-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 16 and 19-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**Response to Amendment**

1. Applicant's amendment and remarks of July 12, 2008 have been entered fully considered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. in view of Romann et al. and Pontoppidan.

Kojima et al. disclose a fuel injector comprising a fuel inlet, a movable valve-closure member 7a, a fixed valve seat element 7c to cooperate with the valve-closure member as recited, and a downstream valve end including an outlet component 10 (see Figure 8) and a fuel outlet 7e wherein the fuel outlet includes at least one discharge orifice 9 of the outlet component, the outlet component 10 including the at least one discharge orifice 9 is configured to be flat and disk-shaped and is arranged directly downstream of the fixed valve seat element and is permanently joined to the fixed valve seat element, wherein the discharge orifice ends in an outlet area configured as a convexly-arched spray discharge region that extends beyond the outlet component in a downstream direction, the outlet area being a most downstream portion of the downstream valve end. Romann et al. teaches a fuel injector comprising an outlet member 22 having a discharge orifice 37 which is inclined at an angle relative to the longitudinal axis of the valve and Pontoppidan teaches a fuel injector comprising a movable valve-closure member 9 and a fixed valve seat element to cooperate with the valve-closure member

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to open and close a valve in which the seat has an outlet that includes a coating around the discharge orifice including in an immediate exterior of an outlet area of the discharge orifice to protect against scaling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kojima et al. by making the discharge orifice to be inclined at an angle relative to the longitudinal axis of the valve as has been taught by Romann et al. and providing a coating around at least one discharge orifice as taught by Pontoppidan to protect against scaling.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. in view of Romann et al. and Pontoppidan as applied to claim 16 above, and further in view of Fedorovich et al.

Fedorovich et al. teaches coating internal combustion engines with fluorosilicate to improve heat resistance of the various surfaces of the engines. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kojima et al. , Romann et al. and Pontoppidan by providing a coating comprising fluorosilicate as taught by Fedorovich et al. in order to provide heat resistance also. The actual coating area would have been a matter of design choice depending on the required coverage area and the method of spraying or dipping as recited in claim 24 would have been a matter of production preference since both methods are known in the art.

5. Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. in view of Romann et al. and Pontoppidan as applied to claim 16 above, and further in view of Egizi.

Egizi teaches a fuel injector comprising a movable valve closure member 20, a seat 29, a swirl element 28 upstream of the seat, and a guide 31 to guide a movable valve closure member 20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kojima et al., Romann et al., and Pontoppidan by providing a swirl element as recited since Reiter has already taught a fuel injector with such arrangements. The method of producing the swirl element as recited in claim 29 would have been a matter of manufacturing choice.

#### ***Response to Arguments***

6. Applicant's arguments filed July 2, 2008 have been fully considered but they are not persuasive. The Pontoppidan reference is prior art because of its PCT publication date.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Davis D Hwu/  
Primary Examiner, Art Unit 3752